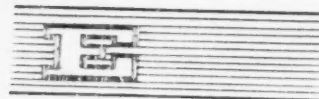




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Fourth Meeting of the Intergovernmental  
Group of Experts on the Establishment  
of an African Monetary Fund

Libreville (Gabon), 16-17 June 1986

LC/NAIROBI

DRAFT REPORT OF THE FOURTH MEETING OF THE INTERGOVERNMENTAL GROUP  
OF EXPERTS FROM MINISTRIES OF FINANCE, CENTRAL BANKS AND LEGAL  
DEPARTMENTS ON THE ESTABLISHMENT OF AN AFRICAN MONETARY FUND

## A. INTRODUCTION

1. The fourth meeting of the Intergovernmental Group of Experts from Ministries of Finance, Central Banks and Legal Departments on the Establishment of an African Monetary Fund was held in Libreville, Gabon, from 16 to 19 June 1986. The purpose of the meeting was to reexamine and finalize the revised Draft Articles of Agreement establishing an African Monetary Fund for submission to the Conference of African Ministers of Finance for consideration.

## B. ATTENDANCE

2. The meeting was attended by the following countries : Algeria, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Gabon, Ghana, Gambia, Guinea, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Morocco, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

3. Representatives of the following organizations attended as observers : the Arab Monetary Fund (AMF), the Banque des Etats de l'Afrique centrale (BEAC), the Banque centrale des Etats de l'Afrique de l'Ouest (BCEAO), the Banque de développement des Etats de l'Afrique centrale (BDEAC), the Banque ouest africaine de développement (BOAD), the Communauté économique des Etats de l'Afrique centrale (CEEAC), the International Monetary Fund (IMF), the West African Clearing House (WACH), the Union douanière et économique de l'Afrique centrale (UDEAC), and the United Nations Conference on Trade and Development (UNCTAD).

4. The meeting was serviced by the secretariats of the United Nations Economic Commission for Africa (ECA), the Organization of African Unity (OAU), the African Development Bank (ADB) and the African Centre for Monetary Studies (ACMS).

## C. OPENING OF THE MEETING

5. In his statement, the representative of the Organization of African Unity, (OAU), Mr. V. Djomatchoua-Toko, speaking on behalf of the Secretary General, Mr. Ide Oumarou, thanked His Excellency El Hadj Omar Bongo, President of the Republic of Gabon, the Government and People of Gabon for agreeing to host the meeting. He recalled previous meetings organized jointly by the ECA and OAU secretariats, particularly those between 1981 and 1984, which culminated in the establishment of the Economic Community of Central African States (ECCAS) and that Gabon played a key role in those meetings. He went on to point out that since the draft statutes had been revised to reflect the comments made at the third meeting of experts held in Yaoundé, Cameroun, in April 1986, the current meeting should focus mainly on outstanding issues and avoid raising new and unnecessary problems that might complicate the discussions of the meeting and, consequently, those of the Ministers.

6. The fourth meeting of the Intergovernmental Group of Experts from Ministries of Finance, Central Banks and Legal Departments was opened by the Honourable Mr. Jean-Pierre Lemboumba-Lepandou, Minister of Economy and Finance of Gabon who welcomed delegates to Libreville on behalf of the President of Gabon, His Excellency El Hadj Omar Bongo and the Government. He recalled that the adoption of the Lagos Plan of Action in April 1980 by the African Heads of State and Government constituted an important economic and financial programme for the development of the African continent. To deal with monetary and financial problems, the Minister recalled, the African Heads of State and Government had decided that an African Monetary Fund should be established. The purpose of the meeting, he stressed, was to implement that decision.

7. He further stated that when established, the African Monetary Fund would assist African countries in solving monetary and financial problems, reduction of balance-of-payments deficits, and promoting monetary co-operation. He noted that during the previous meetings of experts, a number of important issues had been resolved such as the objectives and functions of the Fund. However, there were some issues still outstanding and which he expected the fourth meeting of experts to resolve. He also stressed that Africa's external indebtedness was a major obstacle to economic development and social progress.

#### D. ELECTION OF OFFICERS

8. The meeting elected the following bureau :

|                        |              |
|------------------------|--------------|
| Chairman :             | Gabon        |
| First Vice-Chairman :  | Sierra Leone |
| Second Vice-Chairman : | Tunisia      |
| Third Vice-Chairman :  | Uganda       |
| Rapporteur :           | Zambia       |

#### E. ADOPTION OF THE AGENDA AND PROGRAMME OF WORK

9. The meeting adopted the following agenda :

1. Opening ceremony
2. Election of officers
3. Adoption of the agenda and programme of work
4. Consideration of the draft Articles of Agreement establishing an African Monetary Fund
5. Any other business
6. Adoption of the report and closure of the meeting

F. CONSIDERATION OF THE DRAFT ARTICLES OF AGREEMENT ESTABLISHING  
AN AFRICAN MONETARY FUND

10. In considering this agenda item, the meeting had before it the document entitled "Revised Draft Articles of Agreement of the African Monetary Fund (E/ECA/TRADE/41/Rev.1)

Chapter I : Establishment and Membership

11. The meeting discussed Chapter I on Establishment and Membership, and agreed that since paragraphs 2 and 3 had been referred to the Conference of Ministers of Finance, the suggested alternative formulation should be deleted.

Chapter II : Objectives and Functions

12. After lengthy discussions on the objectives and functions of the Fund, improvements were suggested and incorporated into the revised draft.

Chapter III : Capital and Other Resources

13. In this Chapter, a new Article 4 on Definition of Resources was suggested, discussed and incorporated in the revised draft. It covers paid-up capital, reserves, loans and credits, special funds and any other resources. It was also agreed that the initial authorized capital of the Fund of two billion (2,000,000,000) African Units of Account should be divided into two hundred thousand (200,000 shares of a par value of ten thousand AUA each.

14. The questions of non-regional participation in the capital of the Fund, their voting power and what proportion of the shares should be reserved for non-regional member States were all referred for decision to the Conference of Ministers. It was also agreed that any provision in this agreement that refers to the participation in the capital of the Fund by non-regional member States or institutions should be placed in square brackets and be referred to the Conference of Ministers. The currency in which payments should be made was also referred to the Conference of Ministers of Finance.

15. Two new Articles relating to Reserves and Borrowing respectively were introduced, pursuant to the definitions set out in the new Article 4 of this agreement.

Chapter IV : Special Funds

16. A new Chapter IV on Special Funds was introduced to deal with "Establishment and Use of Special Funds". The definition of "special funds" which had been given in Article 9 of the first revised version of the Draft Articles of Agreement (E/ECA/TRADE/41/Rev.1) was deleted.

Chapter V : Operations and Transactions

17. This Chapter dealt with the use of resources, ordinary and special resources, methods of operations, limitations on operations, provision of currencies for loans, operating principles, terms and conditions for financing, methods of meeting liabilities of the Fund, commission and fees, uses of currencies and valuation of currencies. In considering these issues, the meeting agreed that there was no need to itemize institutions through which financing would be made to Regional member States as this was for Governments to decide. The meeting also agreed that the total amount, outstanding on loans and guarantees should not exceed the total amount of the ordinary resources. It was also decided that the limitation of 10 per cent of the aggregate amount of unimpaired paid-in capital of the Fund should be considered by the Ministers.

18. The article dealing with "provision of currencies for loans and other transactions" was amended to relate more to the financing of balance-of-payments deficits than any other activities. With regard to the determination of the size of financing to be provided by the Fund to any Regional Member State, the power to do so was given to the Board of Executive Directors while the proposed surveillance powers were deleted. On the question of inspection of borrower's books, the meeting decided against the proposal and the provisions were amended accordingly. The meeting agreed that the provisions of the Articles of Agreement should not specify the actual percentage of commissions and fees but rather delegate the periodic determination of rates to the Board of Executive Directors.

19. The meeting, after discussing at length the provisions of Article 20 dealing with "convertibility and use of currencies" felt that the issue of convertibility was a complex one which needed to be reconsidered after an indepth study. It was also suggested that such a study be carried out but this proposal could not be accepted since the question of convertibility of African currencies was one of the long-term objectives of the African Monetary Fund.

Chapter V : Organization and Management

20. A chapeau to the Article 23 dealing with the composition of the Board of Governors was introduced. Instead of approving the balance sheet and statement of income and expenditure, it was decided that the approval of final accounts of the Fund at the end of each financial year was one of the powers that the Board of Governors may not delegate. It was also agreed that the "admission and suspension of members" should be added to the list of power that should not be delegated.

21. The meeting agreed that no remuneration should be paid to Governors and Alternate Governors for their services during meetings nor should they be reimbursed any expenses incurred in respect of travel, board, etc. to attend meetings. A new paragraph providing for Governors to vote on urgent and specific matters by mail or telex was added to Article 23.

22. The composition, size and election of Executive Directors were discussed at length. It was suggested that the Board of Executive Directors should initially be composed of nine (9) Executive Directors of which six (6) shall be elected by Governors of the Regional Member States and three (3) by Governors of the other members of the Fund. In electing Directors, the following shall be observed :

- Directors elected by Governors of Regional Member States shall constitute two-thirds (2/3) of the total number of Executive Directors.
- The number of Executive Directors should be limited during the initial years and be increased in proportion to the increase in the volume of the Fund's operations.
- Each Executive Director shall be elected for a term of 3 years and may be re-elected for a second term.
- An Alternate Executive Director shall be elected for a term of 3 years and may be re-elected for a second term. If after the first term, he is elected as an Executive Director he can serve as an Executive Director for one term only.
- No Alternate Executive Director may be of the same nationality as his Executive Director.

23. With regard to voting, the meeting agreed that votes be determined on the basis of the following formula :

"Each member State shall be allocated 250 votes regardless of the shares held, plus one vote for each share held in the Fund. However, in casting votes a member may cast votes equal to the number of shares actually paid-up".

24. On the question of accounts and reports, it was decided to amend the relevant paragraph 2 to read : "The Fund shall prepare and transmit to the Board of Governors for approval an annual report containing a certified statement of its accounts. In allocating net income, the phrase "including net income accruing to its special funds" was deleted in Article 32.

#### Chapter VI : General Obligations of Members

25. Paragraph (b) of Article 33 on General Obligations of Members should read "to furnish the Fund with such information as it deems necessary for its activities". The rest of the paragraph was deleted.

26. The Algerian delegation registered reservations on the deletion suggested in the second part of paragraph (b).

27. Paragraph (c) was deleted.

Chapter VII : Status, Immunities, Privileges and Exemptions

28. Amendments were made in Articles of Chapter VII. However, Chapters VIII and IX on Co-operation with Other Organizations and Regulations respectively were accepted as originally drafted.

Chapter X : Interpretation and Settlement of Disputes

29. Paragraph 1 of Article 43 on Settlement of Disputes was amended and reflected in the revised draft.

Chapter XI : Withdrawal, Suspension and Expulsion from Membership

30. No amendment was proposed under Article 44 but Morocco registered reservation on this Article as well as on Articles 45 and 46.

31. A new Article 49 on the expulsion of members was added to this Chapter to reflect the decision taken on the issue of expulsion.

Chapter XII : Termination of Operations of the Fund

32. Minor amendments were made to this Chapter and were reflected in the revised draft Articles of Agreement.

Chapter XIII : Amendments

33. Minor changes were made to this Chapter.

Chapter XIV : Final Provisions

34. The meeting agreed that the number of countries required to sign, ratify or approve the Articles of Agreement before it entered into force should be thirty-five (35) and not twenty-six (26) as given in the draft Articles.

35. The meeting after some discussions decided that the Executive Secretary of the Economic Commission for Africa should not be the "depository" of the Articles of Agreement establishing the Fund. Instead, it was agreed that the host country where the Headquarters of the Fund will be located should act as the depository.

36. Algeria reserved its position on the list of names appearing at the end of the Agreement.

G. SUMMARY OF ISSUES REFERRED TO THE CONFERENCE OF MINISTERS FOR DECISION

37. The following is the summary of the main issues referred to the Conference of Ministers for decision :

# 1. Objectives and functions of the African Monetary Fund

38. Although there was no disagreement among experts on the objectives and functions of the Fund, the Ministers might wish to examine them in detail to ensure that they reflect all the major problems relating to African monetary and financial matters. An attempt has been made to be exhaustive but the attainment of these objectives and the implementation of the proposed functions are envisaged over a relatively long period rather than in a short period. That being the case, the Board of Governors will have to decide which of these objectives may be realizable in the short-run.

## 2. Membership in the African Monetary Fund

39. Three types of membership are envisaged in the Fund : (a) Regional Members; (b) Non-Regional Members and (c) Institutions. With regard to Regional Members, the Ministers are required to take a decision as to whether such membership should be broadly defined to include all independent African States or whether the list as presently given in Article 1 should be maintained.

## 3. Capital of the Fund

40. The size of the capital of the Fund is a critical element of the Fund's viability. Upon the recommendation of the feasibility study, the experts suggest that the initial authorized capital of the Fund should be fixed at 2,000,000,000 (two billion) African units of accounts (AUA). Opinion was divided on this issue in so far as some experts felt that if the Fund was to be viable, this amount was rather modest taking into account the huge cumulative balance-of-payments deficits of African countries. However, others held the view that this was too high. The Ministers were required to examine this issue and give their directive.

41. The called-up capital has been suggested at 750,000,000 AUA of which 500,000,000 AUA would be subscribed by Regional Members and the balance of 250,000,000 AUA by Non-Regional Members and institutions if a decision is taken to admit them as members. However, in the event that Non-Regional Members are not admitted, the called-up capital for the first five years of the Fund's existence would be fixed at 500,000,000 AUA.

## 4. Mode of payment of subscriptions

42. Another important issue which is referred to the Ministers for a decision relates to whether payments of subscriptions to the Fund should be made in both "convertible" and national currencies, and if yes, in what proportions. Opinions were sharply divided on this issue to the extent that some experts felt that subscriptions in national currencies would promote intra-African trade. Other experts, however, felt that based on experiences of similar institutions, it was difficult to use national currencies in the Fund's operations relating to balance-of-payments support.

5. Size of the Board of Executive Directors

43. The size of the Board of Executive Directors had also been referred to the Ministers for decision. The proposal by experts was that initially there should only be nine (9) Executive Directors and nine (9) Alternate Executive Directors. Of this number six (6) should be reserved for Regional Members and three (3) for Non-Regional Members, it being understood that the Board of Governors may decide to increase or reduce the size of the Board of Executive Directors as appropriate.

H. ANY OTHER BUSINESS

44. There were no items raised under this agenda item.

I. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

45. The report of the meeting was not formally adopted. It was decided that this would be done at the next meeting of the intergovernmental group of experts.